

# EXHIBIT D

**From:** [Braun, Daniel \(Law\)](#)  
**To:** [Marquez, Lillian](#); [Robinson, Amy \(LAW\)](#); [Nelson, Genevieve \(Law\)](#); [Weng, Jenny \(Law\)](#)  
**Cc:** [NYC Law Protest Team](#); [AG-NYPD Litigation](#); [GrayLegalTeam@dwf.com](#); [Payne Litigation Team](#); [sierrateam@moskovitzlaw.com](#); ["Sow-Legal"](#); [Hernandez Team](#); [wood](#); [rolonlegalteam@aboushi.com](#)  
**Subject:** RE: [EXTERNAL] RE: RFA Responses  
**Date:** Friday, June 17, 2022 4:16:20 PM

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Lillian,

Thank you for letting me know plaintiffs are available on the morning of Thursday, June 23<sup>rd</sup>. I will send a meeting invite for 10:00am on that date.

To help facilitate a productive meeting, defendants, thus far, regard the following RFAs as improper both individually, as well as conjunctively (as the unusually large number and extraordinarily detailed nature of each, taken together, additionally creates undue burden):

- RFAs seeking admission to statements already in writing/on video/ publicly available:
  - RFA Nos.: 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 37, 43, 45, 46, 49, 50, 51, 66-70, 72, 141-144, 146, 147, 149, 232
- RFAs seeking admission that cannot be answered without further explanation/ relies on a highly disputed fact:
  - RFA Nos.: 21, 22, 23, 24, 29, 34, 52, 54, 58, 71, 76-78, 81, 85-87, 92-95, 100, 103-105, 110-113, 124-133, 161, 164, 165, 167, 168, 175, 176, 183, 184, 188-190, 192, 202-204, 207-212, 215-217, 220-228, 233-238, 245, 246, 247, 253, 256, 258, 260-262, 267, 268, 274, 276, 283, 284
- RFAs seeking improper admissions regarding facts about plaintiffs
  - RFA Nos. 53, 55, 163, 166, 174, 181, 194, 195, 200, 201, 213, 214, 254, 255, 266, 275
- RFAs used as improper tool of discovery, seeking admissions about officer noticed to be deposed/already deposed
  - RFA Nos.: 56-57, 59-63, 73-75, 80, 81, 83, 84, 88-91, 99, 101-102, 106-109, 123, 162, 170-172, 178-180, 185-187, 193, 196-198, 205, 218, 230-231, 242-244, 248-251, 259, 263-265, 269-271, 278-282
- RFAs improperly seeking admissions of violation of policy
  - RFA no. 63, 199
- RFAs improperly seeking admissions pertaining to plaintiff from a pending litigation in a non-consolidated case:
  - RFA Nos. 64-78, 36-42
- RFAs seeking admissions relating to Yates, no longer part of consolidated –(RFA Nos. 150-158)
- RFAs used as improper tool of discovery re policy / training (RFA nos. 1, 240, 241)
- RFAs used as improper tool of discovery re NYPD investigations re white supremacy (RFA nos. 25, 26, 27, 28, 30, 31, 32, 33)
- RFAs used as improper tool of discovery re meetings / communications related to high level officials (RFA nos. 3, 4, 7, 136, 137, 138)
- RFAs used as improper tool of discovery seeking admission that someone was/was not arrested and/or charged (RFA Nos. 38, 39, 41, 43, 45, 46, 169, 173, 177, 182, 191, 206, 239,

252, 257, 273, 277, 286)

- RFAs used as improper tool of discovery re SRG/Mott Haven (RFA Nos. 2, 114-122, 134-139, 219)

Defendants look forward to discussing the above with plaintiffs next Thursday, June 23<sup>rd</sup> at 10:00 a.m.

Regards,

Daniel M. Braun  
Senior Counsel  
Special Federal Litigation Division  
Office of the Corporation Counsel  
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**From:** Marquez, Lillian <Lillian.Marquez@ag.ny.gov>

**Sent:** Thursday, June 16, 2022 5:48 PM

**To:** Braun, Daniel (Law) <dbraun@law.nyc.gov>; Robinson, Amy (LAW) <arobinso@law.nyc.gov>; Nelson, Genevieve (Law) <gnelson@law.nyc.gov>; Weng, Jenny (Law) <jweng@law.nyc.gov>

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**Subject:** [EXTERNAL] RE: RFA Responses

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Daniel,

The Court has already seen the RFAs and ordered them due July 1. That said, please advise prior to the meet and confer specifically what relief you will be seeking (as it is not clear from your email) and what, if any, specific RFAs you object to and why so we can have a productive meeting.

Plaintiffs are available to meet the morning of Thursday, June 23.

Regards,

**Lillian Marquez | Assistant Attorney General**

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28 Liberty St., New York, NY 10005

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Pronouns: She/Her/Hers

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**From:** Braun, Daniel (Law) <[dbraun@law.nyc.gov](mailto:dbraun@law.nyc.gov)>

**Sent:** Thursday, June 16, 2022 11:58 AM

**To:** Marquez, Lillian <[Lillian.Marquez@ag.ny.gov](mailto:Lillian.Marquez@ag.ny.gov)>; Robinson, Amy (LAW) <[arobinso@law.nyc.gov](mailto:arobinso@law.nyc.gov)>;  
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**Subject:** RFA Responses

[EXTERNAL]

Counselors:

Given the unusually large number and extraordinarily detailed nature of plaintiffs' Requests for Admission, which create undue burden, defendants intend to seek a protective order. Before moving, defendants seek to meet and confer with plaintiffs. Please advise on your availability for this coming Wednesday, June 22<sup>nd</sup> (except from 1-2pm), or Thursday, June 23<sup>rd</sup>.

Yours,

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